

INTER-OFFICE COMMUNICATION

Palm Beach County, Florida

TO: John Sisbury, County Administrator
Lisa Hasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. - Civil
Jerry Nolan, Director of Admin. - Sheriff's Office
John Lehner, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Sandy Sprague, Assistant County Attorney
Patty Young - 4th District Court of Appeals
Law Library
(2) County Library

DATE: April 24, 1986

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 86-10

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: REPEALING THE LANDSCAPE CODE OF PALM BEACH COUNTY, ORDINANCE 73-1, AS AMENDED; AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE 73-2, AS AMENDED, AS FOLLOWS: ADDING A NEW SECTION 500.35 (LANDSCAPE CODE); AMENDING SECTION 500.15 (SAFE SIGHT DISTANCE REQUIREMENTS FOR FENCES, WALLS AND UTILITY POLES); AMENDING SECTION 500.17 (SAFE SIGHT DISTANCE REQUIREMENTS AT INTERSECTIONS); AMENDING SECTION 609 (PROPERTY DEVELOPMENT REGULATIONS FOR FENCES AND WALLS IN THE NEIGHBORHOOD COMMERCIAL DISTRICT); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is April 21, 1986 at 3:44 P.M.

Signed


Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 86-10

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA: REPEALING THE LANDSCAPE CODE OF
PALM BEACH COUNTY, ORDINANCE 73-1, AS
AMENDED; AMENDING THE ZONING CODE OF
PALM BEACH COUNTY, ORDINANCE 73-2, AS
AMENDED, AS FOLLOWS: ADDING A NEW
SECTION 500.35 (LANDSCAPE CODE);
AMENDING SECTION 500.15 (SAFE SIGHT
DISTANCE REQUIREMENTS FOR FENCES, WALLS
AND UTILITY POLES); AMENDING SECTION
500.17 (SAFE SIGHT DISTANCE REQUIREMENTS
AT INTERSECTIONS); AMENDING SECTION 609
(PROPERTY DEVELOPMENT REGULATIONS FOR
FENCES AND WALLS IN THE NEIGHBORHOOD
COMMERCIAL DISTRICT); PROVIDING FOR
INTERPRETATION OF CAPTIONS; PROVIDING
FOR REPEAL OF LAWS IN CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE CODE OF LAWS AND
ORDINANCES; AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of Florida Statutes establishes the right and power of counties to provide for the health, welfare, and safety of existing and future residents by enacting and enforcing zoning and business regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act) of Florida Statutes provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan, as provided in Section 163.3202(2)(f) of Florida Statutes; and

WHEREAS, it is the intent of the Board of County Commissioners to provide for the health, safety, and welfare of existing and future residents or and visitors to Palm Beach County by establishing minimum standards for the installation and continued maintenance of landscaping within the unincorporated area of Palm Beach County; and

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1 WHEREAS, minimum standards for landscaping will contribute
2 to these goals by improving the aesthetic appearance of land
3 development, promoting public safety, improving environmental
4 quality, promoting economic efficiency in the utilization of
5 limited land resources, providing important physical and
6 psychological benefits to human beings, encouraging the
7 preservation of native vegetation, encouraging the removal or
8 nuisance species, improving landscape design, and encouraging
9 improved administrative coordination; and

10
11 WHEREAS, enactment of these land use regulations is intended
12 to satisfy and implement the general goals and objectives of the
13 Comprehensive Plan of Palm Beach County, Ordinance 80-2, as
14 amended; with particular reference to:

15 (1) The Land Use Element (Page 1, Column 2: Goals 1-4, 6-7,
16 and 9);
17 (2) The Sewer, Potable Water, Drainage, and Solid Waste
18 Element, Drainage Section (Page 29, Column 2: Goal II);
19 (3) The Traffic Circulation Element (Page 35, Column 2:
20 Goal IV);
21 (4) The Recreation and Open Space Element (Page 55, Column
22 1: Goals II, III, and IV);
23 (5) The Conservation and Coastal Zone Element (Page 59,
24 Column 1: Goals I-IV; Pages 65-67: Policy Statements B-D, H,
25 J, M-N);
26 (6) The Housing Element (Page 69, Column 1: Goal III);
27 (7) The Utility Element (Page 72, Column 1: Objective 1d);
28 and
29 (8) The Energy Element (Page 75, Column 1: Goal I,
30 Objective 1c; Goal II); and

31 WHEREAS, the Board of County Commissioners of Palm Beach
32 County, Florida, sitting as the Local Planning Agency, has
33 determined that these proposed amendments to the Palm Beach
34 County Zoning Code are consistent with the adopted Comprehensive
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law; words underlined are additions to existing law.

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3 Plan of Palm Beach County, as required by Chapter 163, Section
4 163.3194(2)(a) of Florida Statutes.
5
6

7 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
8 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
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10

11 SECTION 1. REPEAL OF EXISTING LANDSCAPE CODE.
12
13 The Palm Beach County Landscape Code, Ordinance 73-1, as
14 amended, is hereby repealed.
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17 SECTION 2. AMENDMENT OF ZONING CODE TO INCLUDE A NEW
18 LANDSCAPE CODE.
19
20 The Palm Beach County Zoning Code, Ordinance 73-2, as
21 amended, is hereby amended to add a new Section 500.35
22 (Landscape Code), as follows:
23
24

25 SECTION 500.35 LANDSCAPE CODE.
26
27 A. SHORT TITLE.
28
29 This Section shall be known and may be cited as the Palm
30 Beach County Landscape Code.
31
32 B. LEGISLATIVE INTENT.
33
34 It is the intent of the Board of County Commissioners to
35 promote the health, safety, and welfare of existing and future
36 residents of and visitors to Palm Beach County by establishing
37 minimum standards for the installation and continued maintenance
38 of landscaping within the unincorporated area of Palm Beach County
39 in order to:
40
41

42 1. AESTHETICS: Improve the aesthetic appearance of
43 commercial, industrial, and residential areas through the
44 incorporation of a minimum amount of landscaping into
45 development in ways that harmonize and enhance the natural
46 and built environments;
47
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50 law; words underlined are additions to existing law.
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52 zc535.ord 3 March 2, 1986
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1 2. PUBLIC SAFETY: Promote public safety by encouraging the
2 use of landscaping as an integral element of transportation
3 planning, especially through the use of landscaping to
4 highlight and reinforce circulation patterns, to separate
5 motor vehicle and pedestrian movement, and to control views
6 and define spaces in the built environment;

7 3. ENVIRONMENTAL QUALITY: Improve environmental quality by
8 recognizing the numerous beneficial effects of landscaping
9 upon the environment, including: the improvement of air and
10 water quality through such natural processes as
11 photosynthesis and mineral uptake; maintaining permeable
12 land areas essential to surface water management and aquifer
13 recharge; reducing and reversing air, noise, heat, and
14 chemical pollution through the biological filtering
15 capacities of trees and other vegetation; promoting energy
16 conservation through the creation of shade, reducing heat
17 gain in or on buildings or paved areas, and reducing the
18 temperature of the microclimate through the process of
19 evapotranspiration; and encouraging the conservation of
20 limited fresh water resources through the use of drought
21 resistant plants;

22
23 4. ECONOMIC EFFICIENCY: Promote economic efficiency in the
24 development of limited land resources by encouraging the use
25 of landscaping to provide a transition between land uses
26 which are otherwise incompatible in close proximity,
27 particularly between residential development and more
28 intense commercial and industrial development;

29
30 5. LAND VALUES: Maintain and increase the value of land by
31 requiring a minimum amount of landscaping to be incorporated
32 into development, thus becoming by itself a valuable capital
33 asset;

34
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36 law; words underlined are additions to existing law.

1 6. HUMAN VALUES: Provide direct and increasingly important
2 physical and psychological benefits to human beings through
3 the use of landscaping to reduce noise and glare, and to
4 break up the monotony and soften the harsher aspects of
5 urban development;

6 7. PRESERVATION OF VEGETATION: Encourage the preservation
7 of existing vegetation and the incorporation of native
8 plants and ecosystems into landscape design, consistent with
9 the intent of the Conservation and Coastal Zone Element of
10 the Palm Beach County Comprehensive Plan;

11 8. REMOVAL OF NUISANCE SPECIES: Encourage the eradication
12 or control of certain exotic plant species, such as
13 melaleuca and Brazilian pepper, which have become nuisances
14 because of their tendency to damage public and private
15 works, to have a negative effect upon public health, or to
16 disrupt or destroy native ecosystems;

17 9. IMPROVED DESIGN: Encourage innovative and cost-
18 conscious approaches to the design, installation and
19 maintenance of landscaping, particularly those that promote
20 energy and water conservation;

21 10. INTER-GOVERNMENTAL COORDINATION: Reinforce inter-agency
22 and inter-governmental cooperation in enhancing
23 environmental quality; and

24 11. IMPROVED ADMINISTRATION AND ENFORCEMENT: Establish
25 procedures and standards for the administration and
26 enforcement of this Section.

27 It is the purpose and intent of this ordinance to improve the
28 appearance of certain setback and yard areas including off-street
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30 law; words underlined are additions to existing law.

1 vehicular parking and open-lot sales and service areas in Palm
2 Beach County; to protect and preserve the appearance, character
3 and value of the surrounding neighborhoods and thereby promote
4 the general welfare by providing for installation and maintenance
5 of landscaping for screening and elimination of visual pollution,
6 since the County Commission finds that the peculiar
7 characteristics and qualities of Palm Beach County justify
8 regulations to perpetuate the appeal of its natural visual
9 pollution free environment.

10 A. Rules for Construction of Language.

11 The following rules of construction shall apply to the text
12 of this Code:

- 13 1. The particular shall control the general.
- 14 2. In case of any difference of meaning or implication
15 between the text of this Code and any caption,
16 illustration, summary table, or illustrative table, the
17 text shall control.
- 18 3. The word "SHALL" is always mandatory and not
19 discretionary. The word "MAY" is permissive.
- 20 4. Words used in the present tense shall include the
21 future; and words used in the singular number shall
22 include the plural; and the plural the singular, unless
23 the context clearly indicates the contrary.
- 24 5. A "BUILDING" or "STRUCTURE" includes any part thereof.
- 25 6. The phrase "USED FOR" includes "ARRANGED FOR,"
26 "DESIGNED FOR," "MAINTAINED FOR" or "OCCUPIED FOR."
- 27 7. The word "PERSON" includes an individual, a
28 corporation, a partnership, an incorporated
29 association, or any other similar entity.
- 30 8. Unless the context clearly indicates the contrary,
31 where a regulation involves two or more items,
32 conditions, provisions, or events connected by the
33 conjunction "AND," "OR," or "EITHER--OR," the
34 conjunction shall be interpreted as follows:
 - 35 a. "AND" indicates that all the connected items,
36 conditions, provisions, or events shall apply.
 - 37 b. "OR" indicates that the connected items,
38 conditions, provisions, or events shall apply.
 - 39 c. "EITHER--OR," indicates that the connected items,
40 conditions, provisions, or events shall apply singly
41 but not in combination.
- 42 9. The word "INCLUDES" shall not limit the term to the
43 specified examples, but is intended to extend its
44 meaning to all other instances or circumstances of like
45 kind of character.

46 C. DEFINITIONS.

47 1. IN GENERAL.

48 In addition to the Supplemental Definitions indicated in
49 Subparagraph C.2. below, words and phrases defined in
50 Section 200.2 (Definitions) of this Code shall apply to the
51 interpretation of this Section.

52 For purposes of this Code, in addition to the following
53 terms or words, the definitions provided for in Chapter II,
54 Section 200.2 of the Zoning Code of Palm Beach County,
55 Florida, shall apply.

56 CODING: Words struck through are deletions from existing
57 law; words underlined are additions to existing law.

2. SUPPLEMENTARY DEFINITIONS.

1 a. ACCESSWAY shall mean a clearly delineated area
2 which is permitted by this Code to pierce a required
3 landscape buffer in order to permit necessary ingress
4 or egress for vehicles or pedestrians.

5 b. AGRICULTURE, BONA FIDE shall mean good faith
6 commercial use of land for agricultural production.

7 c. BARRIER, LANDSCAPE shall mean a landscape design
8 feature constructed within a landscape buffer which is
9 intended to impede pedestrian or vehicular cross-
10 movement and to provide an abrupt transition between
11 otherwise incompatible land uses. A landscape barrier
12 may consist of living plants (such as a hedge),
13 structures (such as a wall or fence), or changes in
14 grade (such as a berm).

15 2. Landscape Screen or Barrier.

16 Such screen shall be planted and maintained to form a
17 continuous screen of plant material within a maximum of
18 three (3) years after time of planting. The screen or
19 barrier may be either sheared or natural, symmetrical
20 or asymmetrical and shall be at least four (4) feet in
21 height but not higher than twenty (20) feet. Walls or
22 fences used as landscape screens or barriers shall be
23 constructed in accordance with the requirements of the
24 Palm Beach County Building Code and landscaped in
25 accordance with the requirements set forth herein.

26 d. BUFFER, PERIMETER LANDSCAPE shall mean a continuous
27 area of land which is required by this section to be
28 set aside along the perimeter of a lot in which
29 landscaping is used to provide a transition between and
30 to reduce the negative environmental, aesthetic, and
31 other impacts of one type of land use upon another.

32 e. ECOSYSTEM shall mean a characteristic assemblage
33 of plant and animal life within a specific physical
34 environment, and all interactions among species and

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and between species and their environment.

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2 f. ENCROACHMENT shall mean any protrusion of a motor
3 vehicle outside of the boundaries of a vehicular use
4 area into a landscape area.

5 a parking space, display area or accessway into the
6 landscaped area. There shall be no encroachment over or
7 into any landscaped area. Wheel steps and/or curbs
8 shall be placed at least two (2) feet from the edge of
9 such landscaped area. Where a wheel step or curb is
utilized, the paved area between the curb and the end
of the parking space may be omitted, providing it is
landscaped in addition to the required landscaping as
provided herein.

10
11 g. GROUND COVER shall mean plants, other than turf
12 grass, normally reaching an average maximum height of
13 not more than twenty-four (24) inches at maturity.

14
15 h. HEDGE shall mean a landscape barrier consisting of a
16 continuous, dense planting of shrubs.

17
18 i. IRRIGATION SYSTEM shall mean a system of pipes or
19 other conduits designed to transport and distribute
20 water to plants.

21
22 j. LANDSCAPING shall mean any combination of living
23 plants (such as grass, ground cover, shrubs, vines,
24 hedges, or trees) and non-living landscape material
25 (such as rocks, pebbles, sand, mulch, walls, fences, or
26 decorative paving materials). Landscaping shall include
27 the preservation and incorporation of existing trees,
28 vegetation, or ecosystems into site development.

29
30 k. MULCH shall mean non-living organic material
31 customarily used in landscape design to retard erosion
32 and retain moisture.

33
34 l. PLANT SPECIES, CONTROLLED shall mean those plant
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1 species which tend to become nuisances because of their
2 undesirable growth habits, but which, if properly
3 cultivated, may be useful or functional as elements of
4 landscape design.

5 m. PLANT SPECIES, PROHIBITED shall mean those plant
6 species which are demonstrably detrimental to native
7 plants, native wildlife, ecosystems, or human health,
8 safety, and welfare.

9 n. 5. SHRUBS shall mean a self supporting woody
10 perennial plant of low height stature characterized by
11 multiple persistent stems and branches continuous
12 springing from the base.

13 o. 4. TREE shall mean a self-supporting woody plant of
14 a species which normally growing to a mature height of
15 at least fifteen (15) feet in Palm Beach County.
16 at least five (5) feet of clear wood and a growth
17 spread of fifteen (15) feet at maturity. For the
18 purposes of this Code, palms shall also be considered
19 as trees.

20 p. TREE SURVEY shall mean a survey document which
21 delineates the location and identifies the species of
22 trees and vegetation upon a lot, and which meets the
23 standards established in Subsection F-18 (Standards for
24 Planting and Landscape Materials; Minimum Standards for
25 Preparation of Tree Surveys), below.

26 q. VEGETATION, NATIVE shall mean any plant species
27 with a geographic distribution indigenous to all or
28 part of the State of Florida. Plant species which have
29 been introduced by man are not native vegetation.

30 r. VEGETATION REQUIRED TO BE PRESERVED BY LAW shall
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32 law; words underlined are additions to existing law.

mean areas of vegetation which are clearly delineated on valid master land use plans, site development plans, plats, or in some other legally binding manner based upon which the lot area being preserved can be accurately measured.

S. VEHICULAR USE AREA shall mean either (1) an area designed or used for offstreet parking; or (2) an area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered vehicular use areas.

T. 6. VINE shall mean a plants with a flexible stem which normally requires support to reach mature form.

D. GENERAL LANDSCAPE REQUIREMENTS.

1. APPLICABILITY OF THIS SECTION.

Unless otherwise provided in Subsection D.5 (Exclusions), Subsection G.7 (Vested Rights), below, or elsewhere in this Code, the minimum standards for landscaping established in this Section shall apply to all public or private development in the unincorporated area of Palm Beach County.

SECTION 7. APPLICABILITY OF LANDSCAPE ORDINANCE AND OTHER REGULATIONS.

The provisions of this Ordinance shall apply only to new or redeveloped off-street parking uses and other vehicular uses.

This Ordinance shall apply concurrently and in direct relation to the requirements and regulations of the Zoning Code of Palm Beach County, and in particular, Chapter V and Chapter VI of said zoning ordinance.

2. MINIMUM PLANTING REQUIREMENTS.

A minimum number of trees and other vegetation shall be planted or preserved, and subsequently maintained, upon each lot according to requirements of Section 500-35. Subsection CODING: Words struck through are deletions from existing law; words underlined are additions to existing law.

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3 E (Minimum Landscape Requirements), below.
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3. MINIMUM STANDARDS FOR INSTALLATION AND MAINTENANCE OF
4 LANDSCAPING.

5 Landscaping shall be installed and subsequently maintained
6 in accordance with the minimum standards for planting and
7 plant material established in Section 500-35, Subsection F
8 (Standards for Planting and Landscape Materials), below.

9
10 4. LIMITATION ON USE OF NON-LIVING LANDSCAPE MATERIALS.

11 Non-living landscape materials may be used in combination
12 with living plants as part of a landscape design as provided
13 in this Section. However, non-living landscape materials
14 shall not by themselves constitute landscaping.

15
16 5. EXCLUSIONS.

17 The minimum landscape requirements established in this
18 Section shall not apply to the following types of
19 development:

20
21 a. SINGLE-FAMILY AND DUPLEX DEVELOPMENT.

22 The enlargement or repair of one (1) principal single
23 family detached or duplex residence upon a single lot.

24
25 b. ACCESSORY TO SINGLE FAMILY OR DUPLEX DEVELOPMENT.

26 The initial construction, enlargement or repair of
27 buildings or structures accessory to one (1) principal
28 single family or duplex residence upon a single lot.

29
30 c. PARKING STRUCTURES.

31 Vehicular use areas consisting exclusively of parking
32 areas entirely within or on top of a building.

33
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law; words underlined are additions to existing law.

BONA FIDE AGRICULTURAL PRODUCTION.

Bona fide agricultural production activities

6. TEMPORARY SUSPENSION OF LANDSCAPING REQUIREMENTS

The installation of landscaping pursuant to the provisions of this Section may be temporarily suspended in individual cases by the Executive Director or his designee in two instances:

a. FREEZE.

After a freeze when required landscape materials are not available; or

b. DROUGHT.

During a period of drought in which the use of water is restricted by governmental authority.

SURETY BOND REQUIRED.

The suspension of planting shall be conditioned upon the provision by the applicant of a bond or similar surety which, in the opinion of the County Attorney, is sufficient to guarantee compliance with the minimum planting requirements of this Section when sufficient plant material becomes available or when a water emergency is lifted. The bond or surety agreement shall comply with the provisions of Subsection G-8 (Supplemental Administrative and Enforcement Provisions; Performance Surety), below.

E. MINIMUM LANDSCAPE REQUIREMENTS.

1. MINIMUM GENERAL TREE PLANTING OR PRESERVATION REQUIREMENT.

a. IN GENERAL.

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Unless otherwise provided in this Section, a minimum number of trees shall be planted or preserved upon each lot as follows:

(1) RESIDENTIAL LOTS.

(a) MINIMUM REQUIREMENT.

One (1) tree shall be planted or preserved for every one thousand five hundred (1500) square feet of area of a residential lot or fraction thereof, excluding only areas of vegetation required to be preserved by law.

(b) MAXIMUM REQUIREMENT FOR SINGLE FAMILY OR DUPLEX DEVELOPMENT.

No more than fifteen (15) new trees shall be required to be planted upon any lot which is actually used or intended to be used for one (1) single family detached residence or one (1) duplex residence.

(2) NON-RESIDENTIAL LOTS.

One (1) tree shall be planted or preserved for every two thousand five hundred (2500) square feet of lot area of a non-residential lot or fraction thereof, excluding only areas of vegetation required to be preserved by law.

b. ALLOCATION OF TREES TO SATISFY MINIMUM PLANTING REQUIREMENTS.

(1) WHERE REQUIRED TREES MAY BE CREDITED.

Trees required to be planted or preserved by this subsection may be used to satisfy the requirements

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(a) INTERIOR OF VEHICULAR USE AREAS.

Section 500-35. Subsection E.2 (Landscaping the Interior of Vehicular Use Areas);

(b) PERIMETER OF LOTS.

Section 500.35, Subsection E.3 (Landscaping the Perimeter of Lots) and:

(c) PERIMETER BUFFERS IN PLANNED DEVELOPMENTS.

Perimeter buffers required to be established by special conditions imposed by the Board of County Commissioners or for planned developments in Chapter V and Chapter VI of this Code, including Planned Unit Developments (Section 500.21), Mobile Home Rental Parks (Section 500.22), Mobile Home Condominium Parks (Section 500.24), and Planned Industrial Park Districts (Section 615).

(2) WHERE REQUIRED TREES MAY NOT BE CREDITED.

Trees required to be planted or preserved by this Subsection shall not be used to satisfy the requirements of Subsection E.4 (Street Trees and Landscaping of Rights-of-Way).

C. ALLOCATING REQUIRED TREES TO SUB-AREAS WITHIN A PLANNED DEVELOPMENT.

1. LEGISLATIVE INTENT.

In enacting this minimum tree planting requirement, it is the intent of the Board of County Commissioners that a canopy of trees be

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1 development. This subsection establishes a formula
2 for allocating a certain number of trees to each
3 sub-area or "pod" in a planned development.
4 Preservation areas are excluded from the
5 calculation of total tree planting requirements as
6 an incentive to preserve significant vegetation.
7 Master land use plans and site development plans
8 will indicate the minimum number of trees to be
9 planted in a particular pod. This figure is
10 intended to be suggestive of the total number of
11 trees which shall be planted or preserved in each
12 sub-area. The actual number of trees to be planted
13 or preserved on individual lots will be
14 established on individual building plans.

15 2. ALLOCATION FORMULA.

16 The minimum number of trees required to be planted
17 or preserved within a planned development shall be
18 determined by applying the formula established in
19 Subsection E.1.a (Minimum General Tree Planting
20 Requirement) above. The minimum number of trees
21 required to be planted or preserved in a phase,
22 sub-area or "pod" of a planned development shall
23 be a proportion of the total number of trees
24 required to be planted in the overall planned
25 development. This proportion shall be determined
26 by comparing the area of the platted phase or
27 "pod" to the area of the planned development as
28 shown on its current, controlling master land use
29 plan. Only areas of vegetation required to be
30 preserved by law shall be excluded from the
31 calculation of the area of a platted phase or
32 "pod" of the planned development.

33
34 CODING - Words ~~struck through~~ are deletions from existing
law; words underlined are additions to existing law.

A. LEGISLATIVE INTENT.

1 It is the intent of the Board of County Commissioners
2 that vehicular use areas be both functional and
3 aesthetically pleasing. This Subsection achieves that
4 goal by providing greater design flexibility while at
5 the same time increasing minimum standards for required
6 landscaping. A distinction is made among landscape
7 regulations applicable to four types of vehicular use
8 areas: (1) off-street public parking; (2) other
9 vehicular use areas (such as access roads in planned
10 developments or "stacking" areas in gasoline service
11 stations, fast food outlets or banks) which are used
12 by the public, but not for off-street parking; (3)
13 vehicular use areas used for outdoor retail display and
14 sale of motor vehicles; and (4) specialized vehicular
15 use areas used for storage of motor vehicles or for
16 various transportation, warehousing or trucking
17 operations which are not open to the general public;

Within off-street parking areas, developers are permitted to choose between two design alternatives. The first, the "traditional" approach, requires land to be set aside in the form of interior islands and perimeter landscape strips. The second design alternative eliminates interior islands, but increases tree canopy through increased tree planting. This design option is only available, however, if parking stalls are laid out so that four stalls intersect.

31 In the case of vehicular use areas not used for off-
32 street parking but which are open to the general
33 public, the Section continues the existing requirement
34 that an area equal to ten (10) percent of the total

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1 This approach gives greater design flexibility and is
2 relatively easily administered.
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5 In the case of specialized vehicular use areas which
6 are not open to the general public, interior
7 landscaping may actually interfere with necessary
8 functions. These specialized vehicular use areas
9 include storage areas for new, used, or rental motor
10 vehicles, inter-urban bus stations, and trucking
11 terminals. In such cases, an area equal to ten percent
12 of the total paved area which would otherwise have to
13 be dedicated to landscaping may be transferred to the
14 perimeter of the lot. This approach will benefit the
15 property owner by dispensing with a dysfunctional
16 requirement. It will benefit the public by increasing
17 the amount of perimeter buffering and create a larger
18 area in which existing vegetation may be preserved.
19
20

21 b. LANDSCAPING THE INTERIOR OF OFF-STREET PARKING
22 AREAS:

23 (1) LANDSCAPING THE INTERIOR OF OFF-STREET
24 PARKING AREAS: DESIGN ALTERNATIVE 1.

25 (a) MINIMUM INTERIOR LANDSCAPE REQUIREMENTS
26 FOR DESIGN ALTERNATIVE 1.

27 A minimum of twenty (20) square feet of
28 landscaping for each parking space shall be
29 provided within the interior of an off-street
30 parking area.

31 Off-street parking areas shall have at least
32 twenty (20) square feet of interior
33 landscaping for each parking space excluding
34 those spaces abutting a perimeter for which
 landscaping is required by other sections
 hereof and excluding all parking spaces
 which are directly served by an aisle

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perimeter.

(b) SUPPLEMENTAL LANDSCAPE REQUIREMENTS FOR
DESIGN ALTERNATIVE 1.

THE DESIGN OF MANDATORY TERMINAL ISLANDS.

Each row of parking spaces shall be terminated by landscaped islands which measure not less than five (5) feet in width and not less than eighteen (18) feet in length. At least one (1) tree shall be planted in each terminal island.

L21 DESIGN OF OPTIONAL INTERIOR ISLANDS

Interior landscape islands may be provided within each row of parking spaces. If interior islands are provided, one interior island shall be provided for every twelve (12) parking spaces or fraction thereof. Landscaped interior islands shall measure not less than five (5) feet in width. At least one (1) tree shall be planted in every interior island.

[3] DESIGN OF OPTIONAL DIVIDER MEDIANS

Landscape divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parkings spaces. The minimum width of a divider

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1 median shall be five (5) feet. One (1)
2 tree shall be planted for each forty
3 (40) linear feet of divider median, or
4 fraction thereof. Trees in a divider
5 median may be planted singly or in
6 clusters. The maximum spacing of trees
7 shall be sixty (60) feet.

8 L41 ADDITIONAL LANDSCAPE TREATMENT.

9 All interior landscaped areas not
10 dedicated to trees or to preservation of
11 existing vegetation shall be landscaped
12 with grass, ground cover, shrubs, or
13 other appropriate landscape treatment.
14 Sand or pavement shall not be considered
15 appropriate landscape treatment.

16 L51 CURBING REQUIREMENTS.

17 Mandatory terminal islands shall be
18 surrounded with a continuous, raised
19 curb which meets the standards
20 established in Subsection F.4 (Standards
21 for Planting and Landscape Materials;
22 Curbing and Encroachment of Vehicles
23 into Landscape Areas), below. Optional
24 interior islands and divider medians
25 shall be protected from encroachment of
26 motor vehicles as provided in Subsection
27 F.4, below.

28 G. Parking Area Interior Landscaping.

29 Each separate landscaped area shall contain a
30 minimum of twenty-five (25) square feet and shall
31 have a minimum dimension of at least five (5)
32 feet and shall include at least one (1) tree
33 having a clear trunk of at least five (5) feet,
34 with the remaining area adequately landscaped
in height.

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law; words underlined are additions to existing law.

The total number of trees shall not be less than one (1) for each five hundred (500) square feet of fraction thereof of required interior landscaped area.

(2) LANDSCAPING THE INTERIOR OF OFF-STREET
PARKING AREAS: DESIGN ALTERNATIVE 2

(a) APPLICABILITY.

Design Alternative 2 shall be available only in off-street parking areas in which four (4) parking spaces intersect. The parking spaces need not intersect at right angles. If the off-street parking area is designed to have staggered parking spaces, the developer shall use Design Alternative 1.

(b) CALCULATING THE NUMBER OF TREES TO BE PLANTED IF DESIGN ALTERNATIVE 2 IS SELECTED:

One (1) tree shall be planted or preserved for each five (5) parking spaces in a vehicular use area used for off-street parking.

(c) SUPPLEMENTAL LANDSCAPE REQUIREMENTS FOR
DESIGN ALTERNATIVE 2

THE DESIGN OF MANDATORY TERMINAL ISLANDS.

Each row of parking spaces shall be terminated by landscaped islands which measure not less than five (5) feet in width and eighteen (18) feet in length.

At least one (1) tree shall be planted

in each mandatory terminal island.

[21] DESIGN OF INTERIOR GRADE-LEVEL TREE
PLANTING AREAS.

Trees required to be planted by this Subsection may be distributed throughout the interior of an off-street parking area in any way that encourages adequate shading of parked motor vehicles and visual access. Grade level tree planting areas shall be located at the common intersection of four parking spaces. The minimum area of a tree planting area shall be twenty (20) square feet. The minimum dimensions shall be four (4) feet by five (5) feet. Trees shall be planted on center at the point of intersection of the four parking spaces. The ground within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover.

L31 CURBING REQUIREMENTS.

Mandatory terminal islands shall be surrounded with a continuous, raised curb which meets the standards established in Subsection F.4 (Standards for Planting and Landscape Materials; Curbing and Encroachment of Vehicles into Landscape Areas), below. Interior tree planting areas shall either be surrounded by continuous curbing that meets the standards established in Subsection F.4, below, or be protected

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from encroachment of motor vehicles by
equally effective techniques.

2
3 c. LANDSCAPING THE INTERIOR OF OTHER TYPES OF
4 VEHICULAR USE AREAS WHICH ARE OPEN TO THE PUBLIC.

5
6 (1) MINIMUM INTERIOR LANDSCAPE REQUIREMENTS.

7 A minimum of (10) percent of the gross paved area
8 of vehicular use areas which are open to the
9 public but which are not used for off-street
10 parking shall be devoted to interior landscaping.
11 Such vehicular use areas include access roads in
12 planned developments, retail gasoline sales
13 stations, stacking areas in drive-in banks or
14 fast-food restaurants, or outdoor retail sales
15 and display areas for new or used motor vehicles.

16
17 (2) SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

18 The interior landscaping required by this
19 Subsection may be installed in any manner that
20 provides adequate buffering of vehicular uses. If
21 the landscaped area is moved to the perimeter of
22 the lot, it shall be designed as an integral part
23 of perimeter landscaping. The landscaped area may
24 also be designed as a divider median strip. If so,
25 the lineal strip shall be properly designed to
26 accommodate one (1) tree for each forty (40)
27 lineal feet of divider median, or fraction
28 thereof.

29
30 d. LANDSCAPING THE INTERIOR OF SPECIALIZED VEHICULAR
31 USE AREAS WHICH ARE NOT OPEN TO THE PUBLIC.

32 (1) APPLICABILITY.

33 In certain instances, the creation of interior
34 landscape areas in a specialized vehicular use

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1 vehicular use areas include: (a) storage areas for
2 new or used motor vehicles and boats; (b) local,
3 suburban, and inter-urban passenger bus terminals
4 and service facilities; and (c) motor freight
5 terminals.

6 This Subsection shall apply only to that portion
7 of a lot that is actually used for specialized
8 vehicular uses. It shall not apply to any areas of
9 a lot open to the public or used for off-street
10 parking or accessways. Employee parking lots shall
11 be considered to be public vehicular use areas.

12 (2) TRANSFER OF AREA OF INTERIOR LANDSCAPING TO
13 PERIMETERS OF THE LOT.

14 Landscaping in the interior of the specialized
15 vehicular use area may be eliminated provided that
16 a landscape area equal to ten (10) percent of the
17 gross paved area of the specialized vehicular use
18 area is transferred to perimeter buffers. This
19 additional perimeter lot landscaping shall
20 supplement and be in addition to any other
21 perimeter landscaping required by this Section.

22 e. MANDATORY PERIMETER LANDSCAPE STRIPS NOT TO BE
23 CREDITED TOWARD MANDATORY INTERIOR LOT
24 LANDSCAPING.

25 Perimeter landscape strips which are required to be
26 created by Subsections E.3.a (Perimeter Landscape Strip
27 Separating Vehicular Use Areas from Abutting Rights-of-
28 Way) and E.3.b (Perimeter Landscape Strip Separating a
29 Vehicular Use Area from the Interior Lot Line of an
30 Abutting Property), below, shall not be credited to
31 satisfy any interior landscaping requirements. However,

the gross area of perimeter landscape strips which exceed minimum requirements may be credited to satisfy the interior landscape requirements of this Subsection.

3. LANDSCAPING THE PERIMETER OF LOTS.

Landscape strips shall be created around the perimeter of lots, as provided in this subsection.

a. PERIMETER LANDSCAPE STRIPS SEPARATING VEHICULAR USE AREAS FROM ABUTTING RIGHTS-OF-WAY.

b. Required Landscaping Adjacent to Public and Private Rights-of-Way.

(1) GENERAL REQUIREMENTS.

Wherever a vehicular use area abuts a dedicated right-of-way, a perimeter landscape strip shall be created which meets the minimum standards established in this subsection. The perimeter landscape strip shall extend along the length of the boundary between the right-of-way and the vehicular use area. A perimeter landscape strip may be pierced by accessways to the extent necessary to comply with the provisions of this Code, the Subdivision Regulation Ordinance, and other county codes. A perimeter landscape strip shall not be required if: (1) the vehicular use area is entirely screened from view from the right-of-way by buildings or structures; or (2) except as provided in Subsection E.3.c.(5) (Instances Where Perimeter Landscape Strips Are Required), below, the vehicular use area abuts a dedicated alley.

On the site of a building or open lot use providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding dedicated alleys, there shall be provided landscaping between such area and such

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1 (2) SPECIAL RULES FOR DEDICATED ALLEYS.

2 No perimeter buffer shall be required when the
3 rear or side yards of a lot abut a dedicated
4 alley. However, if this situation arises, a
5 landscaped area equal to that established by
6 Figure 500-35-1, below, shall be transferred and
7 added to the other perimeters of the lot.

8

9 (3) MINIMUM DIMENSIONS OF PERIMETER LANDSCAPE
10 STRIP.

11 (a) MINIMUM WIDTH.

12 Unless otherwise provided in this Section,
13 the minimum width of the perimeter landscape
14 strip separating a vehicular use area from
15 abutting rights-of-way shall depend on the
16 gross acreage of the lot, as follows:

17

18

19 L11 DEVELOPMENTS OF FIFTEEN (15) ACRES
20 OR MORE.

21 Developments of fifteen (15) acres or
22 more shall provide a minimum perimeter
23 landscape strip twenty-five (25) feet in
24 width.

25

26 L21 DEVELOPMENTS OF LESS THAN FIFTEEN
27 (15) ACRES.

28 In developments of less than fifteen
29 (15) acres, the minimum perimeter
30 landscape strip shall vary according to
31 the ultimate width of the abutting
32 right-of-way, as determined by reference
33 to Figure 500-35-1.

34

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dimension of at least five (5) feet. In addition, a hedge, wall or other durable landscape barrier of at least eight (8) inches in height shall be placed along only the interior perimeter of such landscaped strip. If such durable barrier is of non-living material, for each ten (10) feet thereof, one (1) shrub or vine shall be planted abutting such barrier along the street side of such barrier. The remainder of the required landscaped areas shall be landscaped with grass ground cover, or other landscaped treatment.

(4) MINIMUM PLANTING REQUIREMENTS.

One (1) tree shall be planted for each thirty (30) lineal feet (or fraction thereof) of a perimeter landscape strip separating a vehicular use area from an abutting right-of-way. The width of accessways which pierce the strip shall be included in the calculation of lineal dimensions.

(5) SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

(a) SPACING OF TREES.

Trees in a perimeter landscape strip may be planted singly or in clusters. The maximum spacing of planted trees shall be sixty (60) feet.

(b) LANDSCAPE BARRIER.

(1) IN GENERAL.

A hedge, wall, fence, berm, or other landscape barrier shall be located within the perimeter landscape strip. Unless otherwise provided in this Code, the barrier shall be no less than three (3) feet and no more than twelve (12) feet in height within a maximum of two (2) years after installation.

(2) HEDGES.

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1 If a hedge is used as an element of the
2 landscape barrier, plants shall be
3 selected which comply with the
4 requirements of Subsection E.11
5 Standards for Plantings and Landscape
6 Materials, below.

7 E.11 LIVING AND NON-LIVING BARRIERS.

8 If walls, fences, or other non-living
9 barriers are used as elements of the
10 landscape barrier, shrubs or vines
11 shall be planted as follows: (a) one
12 shrub or vine shall be planted for each
13 ten (10) lineal feet of landscape
14 barrier; (b) if, upon planting, shrubs
15 or vines are not of sufficient height to
16 be clearly visible above the top of the
17 landscape barrier, the shrubs or vines
18 shall be planted on the street side of
19 the barrier; (c) if, upon planting,
20 shrubs or vines are clearly visible
21 above the top of the barrier, they may
22 be planted inside the barrier.

24 E.41 EARTH BERMS.

25 Earth berms may be used only when
26 installed in conjunction with
27 sufficient plant materials to satisfy
28 the provisions of this Section. The
29 slope of a berm shall not exceed a ratio
30 of 3:1.

33 E.51 ADDITIONAL LANDSCAPE TREATMENT.

34 The remainder of the perimeter landscape

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strip shall be landscaped with grass, ground cover, or other appropriate landscape treatment. Sand or pavement shall not be considered to be appropriate landscape treatment.

b. PERIMETER LANDSCAPE STRIPS SEPARATING A VEHICULAR USE AREA FROM THE INTERIOR LOT LINE OF AN ABUTTING PROPERTY.

Every vehicular use area shall be screened from view from abutting properties. Unless this Code specifies some other perimeter landscape treatment, a perimeter landscape strip shall be created which meets the following minimum standards:

(1) MINIMUM DIMENSIONS.

(a) MINIMUM WIDTH.

The minimum width of the perimeter landscape strip shall be five (5) feet.

(b) MINIMUM LENGTH.

The perimeter landscape strip shall extend along the length of the boundary between the vehicular use area and the abutting property.

The landscape strip may be pierced by accessways as necessary to comply with the requirements of this Code, the Subdivision Regulation Ordinance, and other County codes.

(2) MINIMUM PLANTING REQUIREMENT.

One (1) tree shall be planted for each thirty (30) lineal feet (or fraction thereof) of the perimeter landscape strip. The width of accessways which

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pierce the strip shall be included in the calculation of lineal dimensions. If a perimeter landscape strip has already been established on the abutting property pursuant to this Subsection, no trees or hedge need be planted in the landscape strip. However, the landscape strip shall receive appropriate landscape treatment, including planting of grass or groundcover.

(3) SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

The perimeter landscape strip shall meet the same minimum development standards established in Subsection E.3.a (Perimeter Landscape Strips Separating Vehicular Use Areas from Abutting Rights-of-Way), above.

c. PERIMETER LANDSCAPE STRIPS SEPARATING INCOMPATIBLE TYPES OF DEVELOPMENT OR INCOMPATIBLE ZONING DISTRICTS.

(1) GENERAL REQUIREMENTS.

(a) Unless otherwise provided in this Code, a landscape strip shall be created along the interior perimeter of a lot, as provided in Figure 500-35-2, below. If Figure 500-35-2 indicates that no perimeter landscape strip is required, the Board of County Commissioners has determined that such zoning districts or types of development are not incompatible when they abut.

(b) In certain cases, Figure 500-35-2 indicates that the lot owner has the option of choosing between Alternative Strip 1 or Alternative Strip 2. The Board of County Commissioners may specifically authorize the

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installation of Alternative Strip 3 as a condition of an approved special exception.

2 PROPERTY DEVELOPMENT REGULATIONS FOR
ALTERNATIVE PERIMETER LANDSCAPE STRIP NUMBER
1

(a) MINIMUM DIMENSIONS.

[1] MINIMUM WIDTH

The minimum width of the landscape strip shall be five (5) feet.

21. MINIMUM LENGTH

The landscape strip shall extend along the length of the boundary between the industrial or commercial lot and the abutting district or development, as indicated in Figure 500-35-2.

(b) MINIMUM PLANTING REQUIREMENTS.

A minimum of one (1) tree shall be planted for each thirty (30) lineal feet of abutting property line, or fraction thereof.

(c) SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

11 MANDATORY LANDSCAPE BARRIER.

A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid masonry wall having a minimum height of no less than six (6) feet. The six foot height shall be measured from the highest grade at the property line on either side of the abutting lots. The exterior side of the masonry wall shall

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be given a finished architectural treatment which is reasonably compatible and harmonizes with existing development.

[2] PLANTING INSTRUCTIONS.

Trees shall be planted in the landscape strip along the interior of the masonry wall at intervals of thirty (30) feet.

(3) PROPERTY DEVELOPMENT REGULATIONS FOR

ALTERNATIVE PERIMETER LANDSCAPE STRIP NUMBER

2.

(a) MINIMUM LENGTH.

A landscape strip shall be created which extends along the length of the boundary between the industrial or commercial lot and the abutting district or development, as indicated in Figure 500-35-2.

(b) MINIMUM PLANTING REQUIREMENTS

A minimum of one (1) tree shall be planted for each thirty (30) lineal feet of abutting property line, or fraction thereof.

(c) SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

11 MANDATORY LANDSCAPE BARRIER

A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid masonry wall having a minimum height of no less than six (6) feet measured from the highest grade on

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either side of the abutting lots. The exterior side of the masonry wall shall be given a finished architectural treatment which is compatible and harmonizes with existing development.

(2) PLANTING INSTRUCTIONS.

Trees shall be planted along the interior of the masonry wall at intervals of thirty (30) feet. Trees shall be planted in grade level tree planting areas which meet the same dimensions and design standards as those specified in Subsection E.2.b(2) Landscaping the Interior of Off-Street Parking Areas: Design Alternative 21 above.

(4) PROPERTY DEVELOPMENT REGULATIONS FOR ALTERNATIVE PERIMETER LANDSCAPE STRIP NUMBER 3.

(a) MINIMUM DIMENSIONS.

(1) MINIMUM WIDTH.

The minimum width of the alternative landscape strip shall be ten (10) feet.

(2) MINIMUM LENGTH.

The alternative landscape strip shall extend along the length of the perimeter between the commercial or industrial lot and the abutting district, as indicated in Figure 500-35-2.

(b) MINIMUM PLANTING REQUIREMENTS.

A minimum of one (1) tree shall be planted

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for each thirty (30) lineal feet of abutting
1 property line, or fraction thereof.

3 (c) SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

4 (1) MANDATORY LANDSCAPE BARRIER.

5 A landscape barrier shall be constructed
6 within the alternative landscape strip
7 consisting of a hedge, a berm, a fence,
8 a wall, or any combination of them. The
9 landscape barrier shall present a
10 continuous, solid visual screen six (6)
11 feet in height within one year of
12 initial installation.

14 (2) PLANTING INSTRUCTIONS.

15 The alternative landscape strip shall
16 meet the same minimum planting standards
17 applicable to a ten-foot landscape strip
18 established in Subsection E.3.a
19 Perimeter Landscape Buffers Separating
20 Vehicular Use Areas from Abutting
21 Rights-of-Way, above.

23 (5) INSTANCES WHERE PERIMETER LANDSCAPE STRIPS
24 ARE REQUIRED:

25 (a) GENERAL REQUIREMENTS.

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31 law; words underlined are additions to existing law.

FIGURE 500.35 2

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PERIMETER LANDSCAPE STRIPS SEPARATING INCOMPATIBLE DEVELOPMENT OR INCOMPATIBLE
ZONING DISTRICTS

EXISTING LAND USE OR ZONING CLASSIFICATION

	1 RESIDENTIAL ZONE	2 CN DISTRICT	3 CG DISTRICT	4 CS DISTRICT	5 COMMERCIAL POD IN A PUD	6 PLANNED COMMERCIAL DEVELOPMENT
1 CN DISTRICT	Options 1 or 2					
2 CG DISTRICT	Options 1 or 2					
3 CS DISTRICT	Options 1 or 2					
4 COMMERCIAL POD IN A PUD	Options 1, 2, or 3					
5 PLANNED COMMERCIAL DEVELOPMENT	Options 1, 2, or 3					
6 IL DISTRICT	Options 1 or 2	Options 1, 2, or 3	Options 1, 2, or 3			
7 IG DISTRICT	Options 1 or 2	Options 1 or 2	Options 1 or 2	Options 1 or 2	Options 1 or 2	Options 1 or 2
8 PO DISTRICT	Options 1, 2, or 3	Options 1, 2, or 3	Options 1, 2, or 3	Options 1, 2, or 3	Options 1, 2, or 3	Options 1, 2, or 3

LAND USE OR ZONING DISTRICT BEING ESTABLISHED

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(b) SPECIAL RULES WHEN INCOMPATIBLE DEVELOPMENT IS SEPARATED FROM A RESIDENTIAL ZONING DISTRICT BY A DEDICATED ALLEY

Unless otherwise provided in the terms of a condition of an approved special exception, when commercial or industrial development is separated from a residential zoning district by a dedicated alley, Alternative Perimeter Landscape Strips Number 1 or 2 shall be installed along the length of the commercial or industrial lot.

(c) SPECIAL EXCEPTION LAND USES IN
RESIDENTIAL ZONING DISTRICTS.

Unless otherwise provided in Supplemental Development Regulations in Chapters V and VI of this Code or by the terms of a condition of an approved special exception, special exception lands uses in residential zoning districts shall be separated from adjacent residential lots through the installation of one of the three Alternative Landscape Strips Strips permitted by this Subsection.

(d) SPECIAL EXCEPTION LAND USES WHICH ABUT
RESIDENTIAL DEVELOPMENT IN THE
AGRICULTURAL PRESERVATION (AP) AND
AGRICULTURAL RESIDENTIAL (AR) DISTRICTS.

Unless otherwise provided in Supplemental Development Regulations in Chapters V and VI of this Code or by the terms of a condition of an approved special exception, special exception lands uses in the Agricultural Preservation (AP) or the Agricultural

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Residential (AR) Districts shall be separated from adjacent residential lots through the installation of one of the three Alternative Landscape Strips strips permitted by this Subsection.

E. Perimeter Landseaping Relating to Abutting Properties.

On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, such area shall be provided with a landscaped barrier, preferably a hedge not less than four (4) feet nor greater than twenty (20) feet in height to form a continuous screen between the off-street parking area or other vehicular use area and such abutting property. Such landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than two and one-half (2 1/2) feet in width. The provisions of this subsection shall not be applicable in the following situations:

7. When a property line abuts a dedicated alley-

2- Where a proposed parking area or other vehicular use abuts an existing hedge, said existing hedge may be used to satisfy the landscape requirements of this subsection provided that said existing hedge meets all applicable standards of this ordinance.

3.- Where an approved P.C.D. is abutting an existing residential development or an area which is recommended for residential development use on the Palm Beach County Land Use Plan, there shall be a ten (10) feet wide seventy-five (75) percent opaque landscape buffer or a five (5) feet wide landscape strip with attendant six (6) feet high wall.

STREET TREES AND OTHER LANDSCAPING IN RIGHTS-OF-WAY

A. PERMIT REQUIRED.

A developer or property owner may be permitted by the County Engineer to landscape the medians or swales of streets as provided in this Subsection. Permit application forms shall be prepared and made available to applicants by the Department of Engineering and Public Works.

I. A developer or property owner may be permitted by the Office of the County Engineer to landscape the medians and/or swales of streets in conjunction with a development in accordance with the following criteria and requirements:

b. INSTALLATION STANDARDS AND REQUIREMENTS.

(1) PLANTING STANDARDS.

Unless otherwise provided in this Subsection, plant material to be utilized shall comply with Subsection F (Standards for Planting and Plant Material), below.

Plant material to be utilized shall be in accordance the plants listed in Appendix 7. Variation from this plant list may be allowed by the Department.

(2) MAINTAINING SAFE SIGHT DISTANCE AT
INTERSECTIONS AND POINTS OF ACCESS.

Landscape shall comply with Subsection E.5
(Maintaining Safe Sight Distance at Intersections
and Points of Access), below.

Trees within safe sight distance areas as defined by design criteria in "The Policy on Design of Urban Highways and Arterial Streets" published by AASHTO in 1973, shall have a minimum of eight (8) feet of clear trunk at time of planting.

(3) PLACEMENT OF PLANTS AND LANDSCAPE MATERIAL.

The County Engineer shall have final authority to approve or disapprove of the location of plants and landscaping with respect to safe and proper engineering practices. Plants may be permitted within the rights-of-way of streets provided that they comply with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, (commonly known as the "DOT Green Book"), as amended.

Recognizing that certain varieties of shrubs have a "safety barrier" effect on vehicles, masses of

approved shrubs may be permitted within the typical swale section provided that the County Engineer is satisfied that drainage within the swale is not affected.

In all cases, the Office of the County Engineer shall have final authority to approve or disapprove the location of plant material with respect to safe and proper engineering practices. Plant material may be located within the following areas of specifically classified street right-of-way:

a. On local and collector streets, plant material shall be located a minimum of eleven feet from the outside pavement edge, or on the back slope of the swale, whichever is more distant. No plant material shall be permitted within a median unless a six (6) inch non-mountable curb is provided around said median. The plant material shall be located a minimum of four (4) feet from the back edge of the curb.

b. On arterial and major collector roadways, no plant material is permitted within a median unless a six (6) inch non-mountable curb is provided around said median. The plant material shall be located a minimum of four (4) feet from the back edge of the curb.

(4) MAINTENANCE.

The permittee, or his successor in interest, shall be responsible for the proper maintenance of all landscaping and shall keep the area free from any refuse or debris.

The permittee or his successor shall be responsible for the maintenance of all landscaping which shall be maintained in a good condition so as to present a healthy, safe, and orderly appearance and shall be kept free of refuse and debris.

5. MAINTAINING SAFE SIGHT DISTANCE AT INTERSECTIONS AND POINTS OF ACCESS.

H- Sight Distances for Landscaping Adjacent to Public Rights-of-Way and Points of Access:

a. APPLICABILITY.

The regulations established in this subsection shall apply whenever an accessway intersects a right-of-way

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or when a property abuts the intersection of two or more rights-of-way.

b. SUPPLEMENTAL LANDSCAPE REQUIREMENTS.

All landscaping within the triangular areas described in Subsection E.5.c. below, shall be planted and maintained as follows:

(1) HE I G H T.

In order to provide safe access to or egress from rights-of-way or accessways, the area shall be planted and maintained in a way that provides unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the adjacent roadway.

(2) FOLIAGE AND VISIBILITY.

Vegetation shall be trimmed so that no limbs or foliage extend into the required visibility area.

(3) TRAFFIC HAZARDS.

Vegetation shall not be planted, nor shall improvements or devices such as bus benches or shelters or newspaper vending machines, be located in a safe corner area in a way that creates a traffic hazard.

(4) "GREENBOOK" STANDARDS.

Landscape shall be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, (commonly known as the "DOT Green Book"), as amended.

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(5) NO PARKING IN SAFE AREAS.

No parking or vehicular use areas shall be permitted within the required safe corner triangular areas.

When an aeeessway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between thirty (30) inches and six (6) feet, provided, however, trees or palms having limbs and foliage extend into the cross-visibility area shall be allowed, provided they are located so as not to create a traffic hazard. Landscaping except required grass or ground cover shall not be located closer than three (3) feet from the edge of any aeeessway pavement. The triangular areas above referred to are:

CALCULATING THE MINIMUM SAFE DISTANCE TRIANGULAR AREAS.

(1) WHERE AN ACCESSWAY ENTERS A RIGHT-OF-WAY.

Where an accessway enters a right-of-way, two safe distance triangles shall be created, diagonally across from each other on both sides of the accessway. Two sides of the triangle shall extend ten (10) feet each way from the point of intersection. The third side of the triangle shall be a line connecting the ends of the other two sides.

4. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

(2) WHERE A PROPERTY ABUTS THE INTERSECTION OF
TWO RIGHTS-OF-WAY.

Where a property abuts the intersection of two (2) rights of way, a safe sight distance triangle

1 shall be created. Two sides of the triangle shall
2 extend twenty-five (25) feet along the abutting
3 rights-of-way lines, measured from their point of
4 intersection. The third side of the triangle shall
5 be a line connecting the ends of the other two
sides.

6 2. The area of property located at a corner
7 formed by the intersection of two or more
8 public rights-of-way and the long chord of a
twenty-five (25) foot radius or of a greater
radius where deemed necessary.

9
10 d. ALTERNATIVE SAFE DISTANCE TRIANGLES AT OPTION OF
11 COUNTY ENGINEER.

12 Alternative safe distance triangles may be required in
13 individual cases if they are deemed necessary by the
14 County Engineer to ensure adequate traffic safety. If
15 alternative safe distance triangles are required they
16 shall result in traffic safety which is equivalent or
17 superior to the minimum requirements of this
18 Subsection.

19
20 6. TREE PRESERVATION CREDIT.

21 a. IN GENERAL.

22 (1) WHERE EXISTING TREES MAY BE CREDITED.

23 An existing tree which meets the standards
24 specified in this Subsection may be substituted
25 for any of the trees required to be planted by the
following two Subsections:

26
27
28 (a) GENERAL REQUIREMENT.

29 Subsection E.1 (Minimum General Tree Planting
30 Requirements), or

31
32 (b) INTERIOR OF VEHICULAR USE AREAS.

33 Subsection E.2 (Landscaping the Interior of
34 Vehicular Use Areas).

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(c) PERIMETER BUFFERS IN PLANNED DEVELOPMENTS

Perimeter buffers required to be established by special conditions imposed by the Board of County Commissioners or for planned developments in Chapter V and Chapter VI of this Code, including Planned Unit Developments (Section 500.21), Mobile Home Rental Parks (Section 500.22), Mobile Home Condominium Parks (Section 500.24), and Planned Industrial Park Districts (Section 615).

(2) TREE SURVEY REQUIRED.

Credit shall not be granted for preservation of existing trees unless the application is accompanied by a tree survey which meets the standards established in Subsection E.18 (Minimum Standards for Preparation of Tree Surveys), below. Representations made in an application for preservation credit or upon a tree survey may be verified by the Department by an on-site field inspection.

THE TREE CREDIT FORMULA

Existing trees shall be credited according to the formula in Figure 500.35-3. Fractional measurements shall be attributed to the next lowest category.

1 FIGURE 500-32-3
23 CALCULATION OF TREE PRESERVATION CREDITS
4

5 EXISTING CROWN SPREAD OR DIAMETER OF TREE AT 6 OF PRESERVED TREES	7 4.5 FEET ABOVE 8 NATURAL GRADE	9 = NUMBER OF 10 TREE CREDITS
--	-------------------------------------	----------------------------------

11 20 feet or greater	12 or 36 inches or greater	13 = 7
14 60 to 89 feet	15 or 30 to 35 inches	16 = 6
17 50 to 59 feet	18 or 26 to 29 inches	19 = 5
20 40 to 49 feet	21 or 20 to 25 inches	22 = 4
23 30 to 39 feet	24 or 13 to 19 inches	25 = 3
26 20 to 29 feet	27 or 8 to 12 inches	28 = 2
29 10 to 19 feet	30 or 2 to 7 inches	31 = 1
32 Less than 10 feet	33 or Less than 2 inches	34 = 0

14 c. TREES EXCLUDED FROM PRESERVATION CREDIT.
15

16 No credit shall be given for trees which:

17 (1) PRESERVATION AREAS.

18 Are located in natural preservation areas
19 indicated on an approved master land use site
20 development plan, or plat.

22 (2) PRESERVATION REQUIRED BY LAW.

23 Are required to be preserved by law, such as
24 mangroves.

26 (3) NOT PROTECTED DURING CONSTRUCTION.

27 Are not properly protected from damage during the
28 construction process, as provided in Subsection
29 F.16 (Tree Protection During Construction
30 Process), below.

32 (4) PROHIBITED OR CONTROLLED SPECIES.

33 Are prohibited or controlled species identified in
34 Subsections F.8 (Prohibited Plant Species) and F.9

Controlled Plant Species, below:

(5) DEAD OR DISEASED TREES.

Are dead, dying, diseased, or infested with harmful insects; or

(6) RECREATION TRACTS, GOLF COURSES, OR SIMILAR SUBAREAS WITHIN PLANNED DEVELOPMENTS.

Are located in recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial, or industrial use.

3.- Existing Plant Material:-

In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the Department may adjust the application of the above-mentioned standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of this ordinance.

STANDARDS FOR PLANTING AND LANDSCAPE PLANT MATERIALS.

The following standards shall be considered the minimum requirements for the installation and maintenance of all landscaping in the unincorporated area of Palm Beach County.

1. A. INSTALLATION AND REPLACEMENT.

a. INSTALLATION STANDARDS.

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth.

b. REPLACEMENT REQUIREMENT.

Vegetation which is required to be planted or preserved by this Code shall be replaced with equivalent vegetation if it is not living within one year of issuance of a certificate of occupancy. Preserved trees for which credit was awarded which subsequently

1 die shall be replaced by the requisite number of living
2 trees according to the standards established in
3 Subsection E (Minimum Landscape Requirements), above.

4 c. ADEQUATE IRRIGATION.

5 Adequate irrigation shall be provided for the first
6 full growing season, and continue thereafter as
7 necessary to maintain required vegetation in good and
8 healthy condition. Irrigation systems shall conform to
9 Subsection F-15 (Irrigation Systems), below.

10
11 d. APPROPRIATE ECOSYSTEMS.

12 Trees and vegetation shall be planted in ecosystems
13 which are appropriate for their growth habits, as
14 indicated in the Recommended Species List required by
15 Subsection F-6, below. Site development plans shall
16 make adequate provision for the maintenance of the
17 ecosystems of areas of vegetation which are required to
18 be preserved by law.

19
20 e. GOALS FOR SELECTION OF PLANT SPECIES.

21 Plants used in landscape design pursuant to this
22 Section shall to the greatest extent possible: (1) be
23 drought tolerant; (2) be appropriate for the ecological
24 setting in which they are to be planted; (3) have non-
25 invasive growth habits; (4) encourage low maintenance,
26 high quality landscape design; (5) be commercially
27 available; and (6) be otherwise consistent with the
28 Legislative Intent of this Section.

29 All landscaping shall be installed in a sound
30 workmanlike manner and according to accepted good
31 planting procedures with the quality of plant materials
32 as hereinafter described. All elements of landscaping
33 exclusive of plant material, except hedges, shall be
34 installed so as to meet all other applicable ordinances
and Code requirements. Landscaped areas shall require
protection from vehicular encroachment. A qualified
representative of the agency charged with the issuance
of building permits shall inspect all landscaping and
no certificates of occupancy and use or similar
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law; words underlined are additions to existing law.

meets the requirements provided herein.

1 2. LANDSCAPING IN EASEMENTS.

2 Landscaping may be permitted in easements only with the
3 written permission of the easement holder. Written
4 permission shall be submitted as part of an application for
5 a building permit in a form acceptable to the Palm Beach
6 County Attorney. Permission shall be filed with the land
7 records applicable to the site maintained by the Clerk of
8 the Circuit Court of Palm Beach County. Costs of filing
9 shall be borne by the applicant.

10 3. CONTINUING MAINTENANCE REQUIREMENT.

11 The property owner, his successors in interest, or his
12 agent, if any, shall be jointly and severally responsible
13 for maintaining all landscaping in good condition and in a
14 way that presents a healthy, neat, and orderly appearance.
15 The site shall be continuously cultivated, as that term is
16 defined in the Palm Beach County Lot Clearing Ordinance,
17 Chapter 23 of the Code of Laws and Ordinances of Palm Beach
18 County Ordinance No. 84-17, as amended.

19 The owner, or his agent, shall be responsible for the
20 maintenance of all landscaping which shall be maintained in
21 good condition so as to present a healthy, neat, and orderly
22 appearance and shall be kept free from refuse and debris.

23 4. CURBING AND ENCROACHMENT OF VEHICLES INTO LANDSCAPED
24 AREAS.

25 a. CURBING REQUIREMENTS.

26 Except as provided in Subsection E.4.a (Use of Wheel
27 Stops), below, all landscape areas shall be separated
28 from vehicular use areas by non-mountable, reinforced,
29 concrete curbing of the type characterized as "Type D"
30 in the current edition of the "Roadway and Traffic
31 Design Standards" Manual prepared by the State of
32 Florida Department of Transportation, or curbing of

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comparable durability. Unreinforced extruded curbing shall be prohibited.

b. USE OF WHEEL STOPS.

All landscaped areas adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of concrete wheel stops. Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition. Where wheel stops are located two (2) feet from the front of a parking space, that two (2) feet need not be paved. However, the area between the wheel stop and the landscape area shall receive appropriate landscape treatment, including planting of grass or ground cover.

c. WIDTH OF CURBING EXCLUDED FROM CALCULATION OF MINIMUM DIMENSIONS OF REQUIRED LANDSCAPE AREAS.

The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.

d. QUALITY OF PLANTS. MATERIAL.

Plants installed pursuant to this Section shall conform to or exceed the minimum standards for Florida Number 1 as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Another accepted standard may be used if it equals or exceeds the quality of Florida Number 1.

Plant materials used in conformance with provisions of this ordinance shall conform to the Standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants" Part I, 1963 and Part II, State of Florida, CODING: Words struck through are deletions from existing law; words underlined are additions to existing law.

Department of Agriculture, Tallahassee, or equal thereto. Grass seed shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agricultural tags attached indicating the seed growers compliance with the Department's quality control program.

6. RECOMMENDED SPECIES LIST.

A Recommended Species List may be developed, periodically revised, and distributed to the public by the Department as an informational guide for the selection of plant species which meet the requirements of this Section. The Recommended Species List may identify plant species which shall be prohibited from being planted in required landscape areas. The criteria used to identify these prohibited plant species shall be based upon the general intent of this Section and upon the supplemental criteria established in Subsection F.1.e (Goals for Selection of Plant Species), above.

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7. TREES.

1 a. PLANTING STANDARDS.

2 Immediately upon planting, trees shall be a minimum of
3 eight (8) feet in height. Trees also shall have a
4 minimum crown spread of four (4) feet.

5 b. NATIVE SPECIES OF TREES.

6 A minimum percent of all trees required to be planted
7 by this Code shall be native species. The percentage
8 of trees shall be determined by reference to the
9 following schedule:

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(1) Upon the effective date of the ordinance enacting this Section, twenty (20) percent;

(2) One (1) year after the effective date of this Section, thirty (30) percent;

(3) Two (2) years after the effective date of this Section, forty (40) percent;

(4) Three (3) years after the effective date of this Section and thereafter, fifty (50) percent.

SHADE TREES IN VEHICULAR USE AREAS.

A minimum of seventy-five (75) percent of all trees that are required to be planted in the interior of vehicular use areas pursuant to Subsection E.2.b (Landscaping the Interior of Vehicular Use Areas Used for Off-Street Parking), above, shall be shade trees.

d. SPECIES MIX.

When more than ten (10) trees are required to be planted to meet the requirements of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated in Figure 500-35-4. Species shall be planted in proportion to the required mix. This species mix requirement shall not apply to areas of vegetation required to be preserved by law.

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1 FIGURE 500-35-4

2 REQUIRED SPECIES MIX

3 a.

4 b.

5 REQUIRED NUMBER OF
6 TREESMINIMUM NUMBER OF
7 SPECIES8 11-20
9 21-30
10 31-40
11 41+2
3
4
5

12 e. PLANTING OF PALMS.

13 Palms planted in perimeter buffers shall be installed
 14 in groups of no less than three. For the purposes of
 15 this Section, each group of three palms in a perimeter
 16 buffer shall be considered to be one (1) tree. In the
 17 case of species of palms which characteristically grow
 18 in clumps, each clump shall be considered to be one (1)
 19 tree. Each palm used in interior plantings shall be
 20 considered to be one (1) tree. Palms planted in the
 21 interior of vehicular use areas shall be an appropriate
 22 species which when mature will not interfere with
 23 required lighting or other property development
 24 regulations.

25 2. Trees.

26 Trees shall be species having an average mature spread
 27 of crown in Palm Beach County of greater than fifteen
 28 (15) feet and having trunks which can be maintained
 29 in a clean condition over five (5) feet of clear weed.
 30 Trees having an average mature spread of crown less
 31 than fifteen (15) feet may be substituted by grouping
 the same so as to create the equivalent of a fifteen
 (15) foot crown spread. Palms shall be considered
 trees and exempt from the fifteen (15) foot crown
 spread criterion.

33 8. PROHIBITED PLANT SPECIES.

34 The following plant species shall not be planted in Palm
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 law; words underlined are additions to existing law.

Beach County:

a. MELALEUCA QUINQUENERVIA (commonly known as Punk Tree, Cajeput, or Paper Bark); or

b. SCHINUS TEREBINTHIFOLIUS (commonly known as
Brazilian Pepper or Florida Holly).

CASUARINA SPECIES (commonly known as Australian Pine), if planted as individual trees.

9. CONTROLLED PLANT SPECIES.

The following plant species have a tendency to become nuisances if they are not properly cultivated. These species may be planted under controlled conditions provided that they are installed and maintained according to the following supplemental regulations:

Acacia species.

Acacia species are commonly used in landscape design because of their fast growth. They are, however, a brittle wood species which breaks up and becomes a dangerous missile during hurricanes and other inclement weather. Acacia species may continue to be planted, but shall be considered a controlled species which cannot be used to satisfy requirements of Subsection E (Minimum Landscape Requirements), above.

b. CASUARINA SPECIES (commonly known as Australian Pine)

Casuarina species may be planted as a hedge with the specific permission of the Department. Approval may be granted if it is demonstrated that screening requirements cannot be met except by the use of

casuarina species. Once installed, a casuarina hedge shall be constantly cultivated and shall not exceed twelve (12) feet in height.

4. FICUS SPECIES.

5. Ficus species may be planted as individual trees provided that they are no closer than twelve (12) feet from any public improvement. Ficus species may be planted within twelve (12) feet of public improvement only if they are:

10. (1) APPROVED PLANTER.

11. Contained in a planter approved by the Department,
12. or

14. (2) HEDGE.

15. Maintained as hedge which is constantly cultivated
16. and does not exceed twelve (12) feet in height.

19. Trees (see list below) with roots known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public improvements, unless the tree root system is completely contained within a barrier for which the minimum interior dimensions shall be five (5) feet square or an equivalent and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with No. 6 road mesh (6x6x6) or an equivalent approved by the Department.

25. PROHIBITED TREES:

26. Ficus altissima - Loft Fig
27. Ficus aurea - Florida Strangler Fig
28. Ficus benjamina - Benjamin Fig
29. Ficus nitida - India laurel Fig
30. Ficus elastica - Indianrubber Fig
31. Casuarina cunninghamiana
32. Casuarina equisetifolia
33. CASUARINA Lepidophelia

31. 10. NO CREDIT FOR ARTIFICIAL PLANTS.

32. No artificial plants or vegetation shall be used to meet any
33. requirement of this Code.

11. SHRUBS OR HEDGES.

1 When required to be planted by this section, shrubs or
2 hedges shall be a minimum of twenty-four (24) inches in
3 height immediately upon planting, and spaced at a maximum of
4 twenty-four (24) inches on center. Hedges, where required,
5 shall form a solid continuous visual screen of at least
6 three (3) feet in height within two (2) years after the time
7 of planting.

8 3. Shrubs and hedges.

9 Shrubs and hedges shall be a minimum of eighteen (18) inches
10 in height when measured immediately after planting. Hedges,
11 where required, shall be planted and maintained so as to
12 form a continuous, unbroken, solid, visual screen within a
13 maximum of one (1) year after time of planting.

14 12. VINES.

15 Vines shall have a minimum of five (5) runners thirty (30)
16 inches in length immediately upon planting, and may be used
17 in conjunction with fences, screens, or walls to meet
18 physical barrier requirements. If vines are used in
19 conjunction with fences, screens, or walls, runners will be
20 attached to the fence, screen, or wall in a way that
21 encourages proper plant growth.

22 4. Vines.

23 Vines shall be a minimum of two (2) feet in height
24 immediately after planting and may be used in conjunction
with fences, screens, or walls to meet physical barrier
requirements as specified.

25 13. LANDSCAPE TREATMENT OF THE GROUND.

26 The ground within landscaped areas not dedicated to trees,
27 vegetation, or landscape barriers shall receive appropriate
28 landscape treatment and present a finished appearance and
29 reasonably complete coverage upon planting. The following
30 standards shall apply to the design of ground treatment.

31 34. a. GROUND COVER.

Ground cover may be planted in lieu of grass in conjunction with planting of trees, shrubs, or hedges. Ground cover shall provide a minimum of fifty (50) percent coverage immediately upon planting and one hundred (100) percent coverage within two (2) growing seasons after planting.

b. MULCH.

Mulch shall be temporarily applied to areas not immediately covered by ground cover. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate, such as in a pine preservation area. Where mulch is intended to be installed permanently, it shall be renewed and maintained as required.

C. EROSION CONTROL.

Pebbles or egg rock may be used in a limited way as a ground treatment in areas where drainage is a problem.

5. - Ground Cover -

Ground covers, either vegetative or non-living, used in whole or in part shall present a finished appearance and reasonably complete coverage within three (3) months after planting. However, when slow maturing ground covers are used, they shall be mulched.

14. LAWN GRASS.

Grass areas shall be planted with species suitable as permanent lawns in Palm Beach County. Grass areas may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in swales, rights-of-ways or other areas subject to erosion. In areas where grass seed is used, nursegrass seed shall also be sown for immediate effect; and maintenance shall be provided until coverage is completed. Because of their drought resistant characteristics, it is recommended that the native Bahia grass species be used.

Grass areas shall be planted in species normally grown as
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1 permanent lawns in Palm Beach County. Grass areas may be
2 sedded, plugged, sprigged or seeded except that solid sed or
3 other acceptable erosion control measures shall be used in
4 swales or other areas subject to erosion. In areas where
5 other than solid sed or grass seed is used between the
6 months of October and March, nursegass seed shall be sown
7 for immediate effect and protection until coverage is
8 otherwise achieved.

15. IRRIGATION SYSTEMS.

16 All landscaped areas shall be provided with a readily
17 available water supply with at least one (1) outlet within
18 seventy-five (75) fifty (50) feet of the plants material to
19 be maintained. or an adequate irrigation system. The use
20 of non-potable water for irrigation purposes shall be
21 encouraged. No irrigation system is required for an area
22 set aside on approved site development plans for
23 preservation of existing vegetation. Irrigation systems
24 shall be continuously maintained in working order.

15.16. PROTECTION OF PRESERVED TREES DURING CONSTRUCTION.

17.18. Trees which are to be preserved on a site shall be protected
19.18. from damage during the construction process according to
20.19. appropriate tree protection techniques. In determining the
21.20. appropriateness of particular techniques, the Department
22.21. shall use the current edition of the "Tree Protection
23.22. Manual for Builders and Developers," published by the
24.23. Division of Forestry of the State of Florida Department of
25.24. Agriculture and Consumer Services, or a similar reference
26.25. manual.

27.17. ERADICATION PROGRAM FOR PROHIBITED PLANT SPECIES.

28.18. Each landscape plan or alternative landscape betterment plan
29.19. required or permitted to be submitted by this Section shall
30.20. include a program to eradicate and prevent the
31.21. reestablishment of prohibited plant species. The eradication
32.22. program shall be consistent with Paragraph E-16 (Protection
33.23. of Preserved Trees During Construction) above.

18. MINIMUM STANDARDS FOR PREPARATION OF TREE SURVEYS.

1 Tree surveys submitted to satisfy the requirements of this
2 Section shall comply with the following minimum standards:

3
4 a. Tree surveys shall be prepared by and bear the
5 seal of a registered land surveyor licensed to practice
6 in the State of Florida.

7
8 b. Surveys shall be prepared in a convenient scale.

9
10 c. Surveys shall delineate:

11
12 (1) Property boundaries;

13
14 (2) Easements;

15
16 (3) Rights-of-way;

17
18 (4) Existing or proposed buildings, structures,
19 or other improvements, if any;

20
21 (5) Existing or proposed utility services,
22 including septic tank drain fields;

23
24 (6) Bodies of surface water;

25
26 (7) The nature of adjacent land uses;

27
28 (8) Protected trees or groupings of trees. The
29 species of trees to be removed or relocated shall
30 be identified. In the case of groupings of trees,
31 the predominant species mix and estimated number
32 shall be identified. Trees or areas of vegetation
33 which are required to be preserved by law, such as
34

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1 and identified. Areas infested with prohibited or
2 controlled plant species shall also be delineated
3 and identified; and

4 (9) Such other information that may be required
5 by the Department that is reasonable and necessary
6 for the adequate administration of this Section.

7 19. PROHIBITION OF STORAGE OF MATERIALS OR SALE OF PRODUCTS
8 AND SERVICES IN REQUIRED LANDSCAPE AREAS.

9 Landscape areas which are required to be created or
10 preserved by this Section shall not be used for the storage
11 of materials or sale products or services.

12 G. SUPPLEMENTAL ADMINISTRATIVE AND ENFORCEMENT PROVISIONS.

13 1. APPLICABILITY.

14 The provisions of this Subsection shall supplement and be
15 applied concurrently with the general administrative and
16 enforcement provisions of this Code.

17 2. NO ISSUANCE OF BUILDING PERMITS, PAVING PERMITS, OR
18 CERTIFICATES OF OCCUPANCY WITHOUT COMPLIANCE.

19 Unless otherwise specified in this Code, no building permit,
20 paving permit, or certificate of occupancy shall be issued
21 by the Department if landscaping does not comply with the
22 requirements of this Section.

23 and no certificates of occupancy and use or similar
24 authorization will be issued unless the landscaping meets
25 the requirements provided herein.

26 No building permit, Certificate of Occupancy, or Certificate
27 of Occupancy and Use shall be issued for such building or
28 paving unless such landscape plot plan complies with the
29 provisions herein.

30 3. VERIFICATION OF CODE COMPLIANCE.

31 a. GENERAL AUTHORITY.

32 No building permits, paving permits, or certificates of
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34 law; words underlined are additions to existing law.

occupancy shall be issued by the Department until compliance with the requirements of this Section has been verified as provided in this Subsection.

b. FIELD VERIFICATION WHERE NECESSARY.

An authorized agent of the Department may enter upon a lot to verify that any requirements of this Code, of this section, or of a permit have been or are being met.

A qualified representative of the agency charged with the issuance of building permits shall inspect all landscaping.

c. METHODS OF VERIFICATION PRIOR TO ISSUANCE OF A PAVING PERMIT OR CERTIFICATE OF OCCUPANCY

(1) FIELD INSPECTION BY THE DEPARTMENT.

Unless otherwise provided in this Code, all development subject to this Section shall be inspected by the Department prior to issuance of a paving permit or certificate of compliance.

(2) OPTIONAL SPECIAL CERTIFICATION IN LIEU OF INITIAL FIELD INSPECTION PRIOR TO ISSUANCE OF A PAVING PERMIT OR CERTIFICATE OF OCCUPANCY.

(a) IN GENERAL.

In lieu of initial field inspection prior to issuance of a paving permit or certificate of occupancy by the Department, the property owner or his agent may submit a special certificate of compliance as provided in this Subsection.

(b) FORM OF SPECIAL CERTIFICATE.

The special certificate shall:

(1) Be submitted to the Department prior to issuance of a paving permit or

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certificate of occupancy.

(2) Be submitted in sufficient numbers upon forms available from the Department;

31 Bear the seal of a landscape architect licensed to practice in the State of Florida or be prepared by another licensed professional authorized to prepare landscape plans by Chapter 481, Part II (Landscape Architecture) of Florida Statutes.

41 State that the landscape architect
or other licensed professional
personally inspected the site;

151 State that the landscape architect or other licensed professional certifies that landscaping was properly installed and meets all requirements of this Code and of this Section.

61 State that the landscape architect or other licensed professional understands that any misrepresentations or misstatements in the special certificate of compliance shall constitute a violation of this Code and of State law.

[71] State that the landscape architect
or other licensed professional
understands that misrepresentations or

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misstatements in the special certificate of compliance may also become the grounds for professional disciplinary action pursuant to state law.

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3
4 [8] Contain such other information as
5 required by the Department which is
6 reasonable and necessary to a
7 determination that landscaping is in
8 compliance with this Section.

9
10 (c) FIELD VERIFICATION.

11 The Department may at its option conduct a
12 field inspection to verify representations
13 made in the special certificate of
14 compliance.

15
16 (d) ACCEPTANCE OF SPECIAL CERTIFICATE OF
17 COMPLIANCE.

18 If no field verification is conducted by the
19 Department, the special certificate of
20 compliance shall be deemed to have been
21 accepted. Upon acceptance by the Department,
22 the special certificate of compliance shall
23 be filed and maintained with the official
24 records of the development.

25
26 (e) NO EFFECT ON CONTINUING DUTY TO COMPLY.

27 Acceptance of a special certificate of
28 compliance by the Department shall not affect
29 the continuing duty of the property owner to
30 install and maintain landscaping as provided
31 in Subsection G.4 Supplemental
32 Administrative and Enforcement Provisions:
33 Failure to Install or to Maintain Landscaping

Constitutes a Violation of this Code), below.

4. FAILURE TO INSTALL OR TO MAINTAIN LANDSCAPING
CONSTITUTES A VIOLATION OF THIS CODE.

Failure to install or maintain landscaping according to the terms of this Section shall constitute a violation of this Code. Where trees are required to be planted, preserved, or maintained by this Section, failure to plant, preserve, or maintain each individual tree shall also be considered to be a separate violation of this Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of this Section shall constitute a continuing and separate violation of this Code.

5. LANDSCAPE PLAN REQUIRED.

a. IN GENERAL.

Prior to the issuance of any building permit or paving permit, a landscape plan shall be submitted to, reviewed by, and approved by the Department.

b. NATURE OF REQUIRED PLAN.

(1) SINGLE FAMILY OR DUPLEX RESIDENCES.

The landscape plan submitted for an individual single family or duplex residence on its own lot may be in the form of a plot plan or drawings prepared by the owner or his agent.

2) ALL OTHER DEVELOPMENT.

The landscape plan for all other development shall be prepared by and bear the seal of a landscape architect or otherwise be prepared by persons authorized to prepare landscape plans or drawings by Chapter 481, Part II (Landscape Architecture) of Florida Statutes.

C. CONTENTS OF LANDSCAPE PLAN.

The landscape plan shall:

(1) Be drawn to scale, including dimensions and distances.

(2) Delineate the existing and proposed parking spaces, or other vehicular use areas, access aisles, driveways, and similar features;

(3) Indicate the location of sprinklers or water outlets:

(4) Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this Section;

(5) Identify and describe the location and characteristics of all other landscape materials to be used;

(6) Show all landscape features, including areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any;

(7) Include a tabulation clearly displaying the relevant statistical information necessary for the Department to evaluate compliance with the provisions of this Section. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the

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Department may require; and

(8) Contain such other information that may be required by the Department that is reasonable and necessary to a determination that the landscape plan meets the requirements of this Code.

Except for single family dwellings, prior to the issuance of any building permit, Certificate of Occupancy, Certificate of Occupancy and Use under the provisions of this ordinance and the Palm Beach County Building Code, a plot plan shall be submitted to and approved by the Department. The landscape plan shall be drawn to scale, including dimensions and distances, and clearly delineate the existing and proposed parking spaces, or other vehicular use areas, access aisles, driveways, sprinklers or water outlet locations, and the location, size and description of all other landscape materials, the location and size of buildings if any to be served, and shall designate by name and location the plant material to be installed or, if existing, to be used in accordance with the requirements hereof.

6. ALTERNATIVE LANDSCAPE BETTERMENT PLAN.

A. LEGISLATIVE INTENT.

It is the intent of the Board of County Commissioners to provide an opportunity for development of exceptional or unique landscape designs which cannot meet the express terms of this Section. An alternative landscape betterment plan should not be easily available, and it is the expectation of the Board of County Commissioners that staff will give strict scrutiny to any application. Special consideration should be given to exceptional landscape designs which attempt to preserve and incorporate existing vegetation: (1) in excess of minimum requirements; and (2) in innovative ways.

WHEN PERMITTED:

Applicants for approvals or permits pursuant to this Section shall be entitled to demonstrate that the intent of this Section can be more effectively met in

whole or in part through an alternative landscape betterment plan. An alternative landscape betterment plan shall be reviewed by the Department and, if approved, shall be substituted in whole or in part for a landscape plan meeting the express terms of this Subsection. The variations from code provisions permitted by this Subsection shall be consistent with the provisions of Section 403 (The Board of Adjustment) of this Code.

c. PLAN REVIEW CRITERIA.

The Department shall not accept an alternative landscape betterment plan if:

(1) It determines that the proposal fails to meet or exceed the minimum requirements of this Section in all significant ways, or is otherwise inconsistent with the intent of this Subsection to encourage exceptional or unique landscape designs; or

(2) The proposal will result in the planting or preservation of fewer trees than the minimum number required by Subsection E.1 (Minimum Tree Planting or Preservation Requirement), above; or

(3) The proposal will violate the terms or conditions of any code or ordinance of Palm Beach County. In particular, an alternative landscape betterment plan shall not be a substitute for a any variance required to be obtained by this Code.

d. FORM OF ALTERNATIVE PLAN.

If accepted, the alternative landscape betterment plan

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shall:

- (1) Be submitted in the same form and according to the same terms as a landscape plan required by Subsection F.6 (Landscape Plan Required), above
- (2) Be clearly labeled as an "Alternative Landscape Betterment Plan"; and
- (3) Clearly delineate and identify the deviations permitted from the provisions of this Section; and
- (4) Be filed with the official records of the development maintained by the Department.

7. VESTED RIGHTS.

A. NEW DEVELOPMENT.

This Section shall not apply to a development which is governed by a valid site development plan or a valid building permit approved prior to its effective date.

b. AMENDED SITE DEVELOPMENT PLANS.

11) SITE PLANS AMENDED BY THE BOARD OF COUNTY
COMMISSIONERS.

This Section shall apply to a development approved prior to its effective date if its governing site development plan is amended by the Board of County Commissioners, pursuant to Section 402.7 (Site Plan Review Committee) of this Code or Section 401.5 (Modification of Commission Requirements, Commission Approvals, and Approved Master Plans).

(2) SITE PLANS AMENDED BY SITE PLAN REVIEW COMMITTEE

1 This Section shall not apply to a development
2 approved prior to its effective date if its
3 governing site development plan is modified by
4 Site Plan Review Committee, pursuant to Section
5 402.7 (Site Plan Review Committee) of this Code.

6 (3) MODIFICATION OF REQUIREMENTS AFTER
7 CONSTRUCTION HAS BEGUN.

8 In those instances where amendments to site
9 development plans are approved by the Board of
10 County Commissioners after construction has begun
11 on a site, the Department may modify the
12 provisions of this Section in individual cases in
13 order to avoid undue hardship. However, a
14 diligent effort will be made to assure that the
15 site development standards in this Section are met
16 to the maximum extent possible.

17 (4) SUBSTANTIAL CHANGES IN LAND USE AT EXISTING
18 DEVELOPED SITES.

19 (1) APPLICABLE PROVISIONS.

20 The following two provisions of this Section shall
21 apply to an existing development if a substantial
22 change in land use occurs upon the site:

24 (a) Subsection E.1 (Minimum General Tree
25 Planting Requirement); and

27 (b) Subsection E.3.c (Perimeter Landscape
28 Strips Separating Incompatible Types of
29 Development or Incompatible Zoning Districts.

31 (2) DEFINITION OF "SUBSTANTIAL CHANGE" IN LAND
32 USE.

33 In interpreting this Subsection, a "substantial
34 change in land use" shall mean either:

(a) a change in land use that increases the intensity of land use; or

(b) a change in land use that creates an incompatibility or increases the incompatibility of adjacent land uses; or

(c) an increase in the total floor area of multiple dwellings or non-residential buildings which results in increased traffic generation.

(3) DEFINITION OF "INCOMPATIBILITY" OF LAND USES.

The "incompatibility of land uses" refers to issues arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

8. SECTION 6 PERFORMANCE SURETY.

If the landscaping requirements of this Section are suspended pursuant to Subsection D.6 (Temporary Suspension of Landscaping Requirements), above, the Department shall enter into an agreement with the developer, the owner, or their agent that will allow issuance of the permit or certificate of occupancy. Such an agreement will be approved only if, in the opinion of the County Attorney, the owner or developer provides adequate guarantee or surety that the terms of this Section shall be met. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to one hundred and ten (110) percent of the direct costs of

1 materials and labor, and other costs incidental to the
2 installation of the required landscaping. The guarantee
3 shall: (a) run to the County Commission; (b) be in a form
4 satisfactory and acceptable to the County Attorney; (c)
5 specify the time for the completion of the landscaping
6 requirements of this Ordinance. Application for a surety
7 bond shall be accompanied by a site plan prepared by the
8 applicant which shall identify the plantings which have been
9 postponed and include a project schedule. Planting cost
estimates shall be verified by competent authority.

10 In the event that the landscaping requirements of this
11 Ordinance have not been met at the time that a building
12 permit, Certificate of Occupancy, or Certificate of
13 Occupancy and Use could be granted, and said permit or
14 certificate is requested, the Department may enter an
15 agreement approved by the County Attorney with the owner or
16 his agent that the provisions and requirements of this
17 Ordinance will be complied with. The owner or his agent
18 shall post a performance bond or other County approved
19 surety in an amount equal to one hundred (100) percent of
20 the costs of materials, labor, and other attendant costs
21 incidental to the installation of the required landscaping.
22 The surety shall:

23 A. Run to the County Commission.

24 B. Be in a form satisfactory and acceptable to the County
25 Commission.

26 C. Specify the time for the completion of the landscaping
27 requirements of this Ordinance.

28 2. LANDSCAPE MANUAL.

29 The Department shall prepare and may from time to time
30 revise a landscape manual which shall illustrate the
31 requirements of this Section. The manual shall be made
32 available for purchase to the public. The manual may include
33 other explanatory information at the discretion of the
34 Department, including the Supplemental Recommended Species
List required by Subsection F.6 (Recommended Species List),
above.

35 SECTION 8. ADMINISTRATION AND INTERPRETATION OF CODE
36 REGULATIONS AND PROVISIONS.

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38 law; words underlined are additions to existing law.
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A- The interpretation and application of the regulations and provisions of this Code by the Department shall be responsible and uniformly applied to all property within the jurisdiction of Palm Beach County.

B- The regulations and provisions of this Code shall be held to be the minimum requirements adopted for protection and promotion of the public health, safety, comfort, convenience, order, appearance, prosperity, or general welfare.

C- Whenever the regulations and requirements of this Code are at variance with the requirements of any other lawfully enacted and adopted rules, regulations, ordinances, or laws, the most restrictive shall apply.

SECTION 9- ENFORCEMENT OF CODE REGULATIONS AND PROVISIONS, VIOLATIONS, PENALTIES, AND OTHER REMEDIES.

A- Enforcement Responsibility.

The Board of County Commissioners by itself or through the Department shall adopt procedures for enforcing and administering this Code and to employ those persons necessary for such administration and enforcement.

No building permit, Certificate of Occupancy and Use, or Certificate of Occupancy shall be granted by the Department, the Commission, or the Board of Adjustment except in compliance with the provisions of this Code, or Board of Adjustment or court decision.

B- Violations and Penalties.

For any and every violation of the provisions of this Code, and for each and every day that such violation continues, said violation(s) shall be punishable as a misdemeanor by a fine not to exceed five hundred (\$500) dollars, or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment.

Persons charged with such violation(s) may include:

- 1- the owner, agent, lessee, tenant contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist, or
- 2- any person who knowingly commits, takes part or assists in such violation, or
- 3- any person who maintains any land, building, or premises in which such violation shall exist.

C- Other Legal Remedies.

In addition to the criminal penalties and enforcement procedures provided in Section 9(b) above, the Board of County Commissioners may institute any lawful civil action or proceeding to prevent, restrain or abate:

- 1- the unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building, structure, or parking area, or
- 2- the occupancy and/or use of such building, structure, or parking area, or
- 3- the illegal act, conduct, business, or use of, in or about such premises.

D- Other Administrative Remedies.

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1 4. Cease and Desist Orders.-

2 The Department shall have the authority to issue cease
3 and desist orders in the form of written official
4 notices given to the owner of the subject building,
5 property, or premises, or to his agent, lessee, tenant,
6 contractor, or to any person using the land, building,
7 or premises where such violation has been committed or
8 shall exist.-

9 2. Building Permits and Certificates of Occupancy and Use.-

10 a. Issuance.-

11 No building permit or Certificate of Occupancy and
12 Use shall be issued by the Department for any
13 purpose except in compliance with the provisions
14 of this Code and other applicable ordinances and
15 laws; a decision of the Board of Adjustment, or
16 court decision.-

17 b. Revocation.-

18 The Department may revoke a building permit or
19 Certificate of Occupancy and Use in those cases
20 where an administrative determination has been
21 duly made that false statements or
22 misrepresentations existed as to material facts
23 in the application or plans upon which the permit
24 or approval was based.-

25 c. Suspension.-

26 The Department may suspend a building permit or
27 Certificate of Occupancy and Use where an
28 administrative determination has been duly made
29 that an error or omission on either the part of
30 the permit applicant or government agency existed
31 in the issuance of the permit or certificate
32 approval.-

33 d. Notice and Appeal.-

34 All Department decisions concerning the issuance,
35 revocation, or suspension of building permits and
36 Certificates of Occupancy and Use shall be stated
37 in official written notice to the permit
38 applicant. Any decision of an administrative
39 official may be appealed to Board of Adjustment or
40 Building Board of Appeals.-

41 SECTION 40. BOARD OF ADJUSTMENT - APPEALS.-

42 Appeals to the Board of Adjustment may be taken by any person
43 aggrieved or by any officer or bureau of the governing body of
44 the County affected by any decision of an administrative
45 official.-

46 The rules, regulations, provisions, and procedures of the Board
47 of Adjustment as set out in Chapter IV, Section 403 of the Zoning
48 Code of Palm Beach County, Florida, shall be applicable herein.-

49 SECTION 41. SEVERABILITY.-

50 If any section, part of a section, paragraph, sentence, clause,
51 phrase or word of this ordinance is for any reason held or
52 declared to be unconstitutional, inoperative or void, such
53 holdings of invalidity shall not affect the remaining portions of
54 this ordinance and it shall be construed to have been the

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legislative intent to pass this ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 12. EFFECTIVE DATE.

The provisions of this ordinance shall become effective upon receipt of acknowledgment by the Secretary of State, State of Florida.

SECTION 13. INCLUSION IN CODE.

It is the intent of the Board and is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 14. CONFLICTING REGULATIONS REPEALED.

All special laws applying to and within Palm Beach County general laws applying only to Palm Beach County, any general law which the Board of County Commissioners is specifically authorized by Article VIII of the 1968 Florida Constitution to supersede, nullify or amend and any local County ordinance and resolution in conflict with any provision of this ordinance are hereby repealed.

SECTION 3. AMENDMENT OF ZONING CODE APPLICATION REQUIREMENTS FOR SPECIAL EXCEPTIONS.

The Palm Beach County Zoning Code, Ordinance 73-2, as amended, Article 1 (Application Procedure for All Petitions), Section 401.2 (Special Exceptions), Paragraph B.8 (Site Development Plan) is hereby amended as follows:

B. A site development plan including, where applicable, but not limited to the following:

* * * * *

8. Proposed fencing, screening, and landscaping, including any landscape plan or tree survey which may be required by Section 500.35 (Landscape Code) of this Code.

* * * * *

1 SECTION 4. AMENDMENT OF ZONING CODE REQUIREMENTS FOR
2
3 SAFE SIGHT DISTANCE REQUIREMENTS FOR FENCES,
4
5 WALLS AND UTILITY POLES.

6 The Palm Beach County Zoning Code, Ordinance 73-2, as
7 amended, Section 500.15 (Fences, Walls and Utility Poles),
8 Subsection B (Sight Distance Maintained) is hereby amended as
9 follows:

10 500.15 FENCES, WALLS, AND UTILITY POLES

11 In addition to the requirements of Section 401.2 A. and B.,
12 the following requirements and regulations shall be met.

13 * * * * *

14 B. SIGHT DISTANCE MAINTAINED.

15 Fencing, walls or utility poles to be erected within
16 minimum safe sight distance triangular areas at the
17 intersection of accessways or rights-of-ways shall
18 conform to the applicable provisions of Section 500.35
19 (Landscape Code). Subsection E.5 (Minimum Landscape
20 Requirements: Maintaining Safe Sight Distance at
21 Intersections and Points of Access), below.

22 Where an accessway intersects a right-of-way or where
23 the subject property abuts the intersection of two (2) or
24 more rights-of-way, all fencing within the
25 triangular areas described below shall provide
unobstructed cross-visibility at a level above thirty
(30) inches. The triangular areas above mentioned are:

26 1. The areas of property on both sides of an
27 accessway formed by the intersection of each side of
28 the accessway and the right-of-way line with two (2)
29 sides of each triangle being ten (10) feet in length
30 from the point of intersection and the third side being
31 a line connecting the ends of the other two (2) sides.

32 2. The area of property located at a corner formed by
33 the intersection of two (2) or more rights-of-way and
34 the long chord of a twenty-five (25) foot radius or of
a greater radius where deemed necessary.

35 * * * * *

36 SECTION 5. AMENDMENT OF ZONING CODE OFF-STREET PARKING
37 REQUIREMENTS TO DELETE REFERENCE TO SAFE
38 DISTANCE CORNERS.

39 CODING: Words struck through are deletions from existing
40 law; words underlined are additions to existing law.
41 zc535.ord 74 March 2, 1986

The Palm Beach County Zoning Code, Ordinance 73-2, as amended, Section 500.17 (Off-Street Parking Regulations), Subsection J (Minimum Parking Bay Dimensions by Parking Angle and Parking Bay Illustrations), Parking Lot Schematic, Note 4 is hereby repealed as follows:

500.17 OFF-STREET PARKING REGULATIONS.

J. MINIMUM PARKING BAY DIMENSIONS BY PARKING ANGLE
AND PARKING BAY ILLUSTRATIONS.

PARKING LOT SCHEMATIC

ONE WAY TRAFFIC

TWO WAY TRAFFIC

* * * * * * * * * * * *

NOTES:

1. All examples show forty-five (45) degree angle parking.
2. Wheel stops or curbs are required when the parking spaces face the property line.
3. A minimum backup distance of twenty (20) feet is required between the property line and the first stall as shown in examples above.
4. Within the area formed by the right-of-way lines of intersecting streets, a straight line connecting points on such rights-of-way lines at a distance equal to the required setback for the applicable zoning district from their point of intersection, such connecting line extending beyond the points to the edge of the pavement, there shall be a clear space with no obstruction to vision. Fences, walls, or plantings shall be restricted to a height of three (3) feet or less above the average grade of each street as measured at the centerlines thereof.

SECTION 6. AMENDMENT OF ZONING CODE PROPERTY DEVELOPMENT
REGULATIONS FOR FENCES AND WALLS IN THE
NEIGHBORHOOD COMMERCIAL (CN) ZONE.

The Palm Beach County Zoning Code, Ordinance 73-2, as

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amended, Section 609 (Neighborhood Commercial District), Subsection E.10 (Special Regulations; Fences and Walls) is hereby amended as follows:

E. SPECIAL REGULATIONS.

(See Section 500.15).

In addition to the regulations of Section 500-75, a six (6) foot wall shall be required around the three (3) nonfrontage perimeters of the site if adjacent to residential areas.

SECTION 7. CAPTIONS.

The captions, section headings, and section designations used in this Code are intended for convenience of users only and shall have no effect on the interpretation of its provisions.

SECTION 8. REPEAL OF LAWS IN CONFLICT.

All local laws and ordinances applying to Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY.

Should any section, paragraph, sentence, clause, or word of this ordinance be held to be unconstitutional, inoperative, or void, such holding shall not affect the validity of the remainder of this ordinance.

SECTION 10. INCLUSION IN CODE.

The provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida, and the various sections may be retitled, renumbered, or relettered to accomplish this purpose.

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SECTION 11. EFFECTIVE DATE.

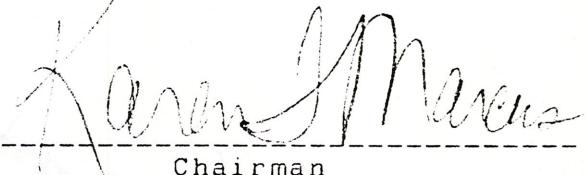
1 The provisions of this ordinance shall become effective upon
2 receipt of acknowledgment by the Department of State of the State
3 of Florida.

4

5 APPROVED AND ADOPTED by the Board of County Commissioners of
6 Palm Beach County, Florida, on this 8th day of April,
7 1986.

8

9 PALM BEACH COUNTY, FLORIDA, BY ITS
10 BOARD OF COUNTY COMMISSIONERS:

11 By: 
12 Chairman

13

14 Acknowledged by the Department of State of the State of
15 Florida, on this, the 16th day of April, 1986.

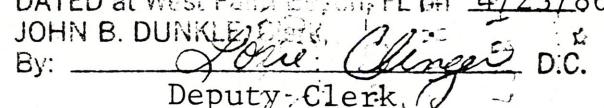
17

18 EFFECTIVE DATE: Acknowledgment received from the Department
19 of State of the State of Florida, this 21st day of April,
20 1986 at 3:44 P. M., and filed in the Office of the Clerk of the
21 Board of County Commissioners of Palm Beach County, Florida.

22 APPROVED AS TO FORM
23 AND LEGAL SUFFICIENCY:

24 By: 
25 County Attorney

26

27 STATE OF FLORIDA, COUNTY OF PALM BEACH
28 I, JOHN B. DUNKLE, ex-officio Clerk of the
29 Board of County Commissioners verify this to
30 be a true and correct copy of the original filed in
my office on April 8, 1986,
DATED at West Palm Beach, FL on 4/23/86,
JOHN B. DUNKLE, Clerk,
By: 
Deputy Clerk

31

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33 law; words underlined are additions to existing law.